ML 39-19
GE 9, 10 21-22
ML 18-18 & 82-11

1921

File No. 55-21

ML 137-24 & 51-7

Serial Nos. 24, 31, 40
207, 209 & 212

190

GENERAL AND REVENUE SECRETARIAT.

(muni)

Part A :- ~~Manuscript~~
B for Nov 1922

Serial Nos.

Rules and Bye-laws under the Municipal Regulation

212 To, The Comptroller to Govt
The President, Bdy Municipal Council, Bangalore
No C 3884-5/d 25.11.22

Directs that the levy of a fee of Rs one for every true extract issued in the Bdy Municipality should be discontinued and requests the President to amend the Extraordinary Gazette

GRS 57

[illegible] 1921-22

GENERAL AND REVENUE SECRETARIAT.

([illegible])

NOTES.

File No 55-21

FILE HEADING

Rules under Rule-Enactments for Import Trade of 1906.

From

The Commissioner in Mysore.

No. 92-1/L.A.D. 546 Dated 16.3.21 Received 22.3.21

Diary No 1135	Enclos — Spare Copies	Serial No. 24

BRIEF ABSTRACT OF LETTER

Brings to notice that in accordance with previous sanction in Rule 16 of 1914 of the M.A.C. any person who has deposited goods in the Bonded Warehouse of a mill may export the same on obtaining an export pass on payment of one anna for each export pass but in the case of Cards a fee of one anna is ordered to be charged for every unit as per proviso to Article 164, but in the case of cards of the Bangalore City mills, it was decided that only one anna for every four cards exported should be charged by the Customs as per Rule 16 of the Export Rules of the said mills and requests that as the said rule is self-explanatory on the point and as it affects the interests of the mills, the Rule 16 of the Export Rules may be amended as to conform to the rules of the M.A.C. in such cases.

NOTES AND ORDERS.

If approved the difference pointed out will be communicated to the President

NOTES—First Sheet

1135

R. S. III-2)

General and Revenue Secretariat

Rel File No. 55 of 1921

Serial No

The Rules of the Mun. Account Manual are not binding for adoption by the Mun. Councils (Vide para 2 of Appendix G of the M. A. M.)

2 The Bye-laws 00 16 of the Octri Bye-laws of the Bangalore City Mun. needs no alteration as suggested by the Comptroller.

3 If approved the Comptroller could be informed accordingly.

6.9.21 8.9.21

The opinion of the Municipal President might perhaps be obtained before passing final orders

Rev secy)

7/9/21

5 Yes; copy the letter may be sent the Opinion invited

7.9.21

Draft please

7/9/21

Draft is sub'd for approl.

15-9-21 15/9/21

Issue

17/9/21

31

To The Mul President, Bangalore

No L1861 & 26/7/21

Forwards copy of the Comptroller's letter above referred to for opinion

NOTE—Contn sheet.

G R. S. III-2,

11 D

General and Revenue Secretariat | Rev File No. 55 of 1924

Serial No

40 Letter No. 719 dt. 6.11.24 from the Presidt. Bangalore City Municipal Council

Invites attention to their letter No 1582/15-6.21 reporting the opinion of the managing committee and the Municipal Council that the levy of one anna on every free pass does not to be authorised by the provisions of the Municipal Regn but it has been imposed a fee old and long standing practice as a catering cost charge and that that the amendment of the Bye laws No 16, which will be effected to the provisions of the Municipal Regn, does not seem to be desirable.

Submitted for orders with reference to paras 4 & 5 Rep 20.

6.11.24 7/11/24

If approved a copy of the President's letter will be sent to the Comptroller for information

Rev Secy

Secy 7/11/24

To see me

8 11 24

was Rebt in the Branch

Secretariat & other Secys to

visit & find out the old

Municipal Regn of 1871 and the

New Regn — Copies sheet. (Secy)

11 I see that the fees are annas per empty pass was fixed by the

General and Revenue Secretariat

File No 55 of 1921

Serial No

bye-laws of 1871 and is being repeated in the bye-laws since issued

It purports to be made (now) under the authority of Sec 4 81(A) of the Rd Regulation the words therein used are The Rural Council may make rules providing for the system under which refunds are made when are again exported and not sure that it is "sanctioned as the Rural President says

13 (what the Comptroller suggests is that the fee should be one anna per cart & not per bullock as one single bullock may include many carts)

14 If approved, the Govt Advocate may be consulted on the legality of the existing rule as also the change proposed

Dewan)

1-12-21

13 12 21

13/12

maintenance of the Sanitation & Rd Cmtee, is now done is not to levy at entrance & turnpoints at the exit bookas, to make for all grant comfort bons", charging fee at

See also discussions etc. about toll)

S OFFICE.

DEC 2 1921

3100

NOTE—Contn sheet

2264

G. R. S III-2,

General and Revenue Secretariat

rd File No 55 of 1921

Serial No

16 DEC 192
LOCAL SELF GOVT. BRANCH

arokya
L.S.G

To be forwarded to the Government Advocate on Reply or for favour of opinion

By order

S. Subbarayappa

for Revenue Secretary

s 48(k) 59(iv) 70, 86

G.A. 4

17 The provisions of Articles 163 or 164 of the M.A.M. referred to in the above note cannot bind the City Municipal Councils, which are bound only by the Municipal Regulation and the bye-laws from made under the authority vested in the Council or Councils Core.

18 The levy of one anna per Export pass appears to be based on the authority conferred on the Council by bye-law No 16 which purports to have been framed under section 48 (1)(k) of the Regulation and the question for consideration is whether the

GEN. & REV. SEC.
3 - JAN 1922
29462

Note—Contin sheet

is legal.

19 Clause(k) of Section 48 gives power to the Council to make bye-laws "regulating the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality" There is nothing in this clause that authorizes the levy of any fee in respect of such goods that the legislature does not intend to authorize any such levy may perhaps be gathered-(1) from the circumstance that- 48(1)(a) provides for fixing the rents and other charges to be levied for the use of "etc - and the absence of such a reference in Clause(k) is therefore very significant, and (2) from the fact that- in Clause(IV) of Section 59 (which provides for imposition of taxes) "on animals or goods, brought within the limits for consumption, use or

~~cost thereof~~" only is provided.

2. Section 69 provides for the imposition of taxes and cesses and section 70 provides for charges on licenses etc, and in neither is provision made for the levy of any fee on such passes.

3. The expression "licence" referred to in section 70 has a special significance and the pass referred to in bye-law 16 cannot in any sense be called a licence of the kind mentioned in section 70.

4. The only other section in the Regulation which provides for the levy of fees is section 85 & this is clearly not applicable.

5. It may therefore be taken as fairly clear that no power is reserved to the Municipal Co. to levy any fee on such p...

6. The levy does not purport to be under S. 48 (1) (a) of the ... of any rent or any charge for the use of any building

Storage fee and cannot therefore be e...

for ...

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat

File No 55 of 1921

Serial No.

justifiable under any provision of the regulation and municipalities under 48 (1)(c) under which the bylaw purports to have been framed.

20 I am therefore of opinion that that part of the bylaw which imposes a fee of one anna per pass is ultra vires and cannot have any binding effect

29/12/21. H Shanbhag
Government Advocate

21 Submitted for orders with reference to para 16 Rebra

27 The Comptroller will if approved be informed accordingly

4/1/22 Rev Secy

28 I am afraid the Municipal Council will have to sacrifice some money under the head toll passes if the question of the validity of the bye laws is now taken up for serious consideration

As no complaints have come to me regarding the levy of fees open to the Municipal Council to revise the bylaws

I am as per pass

Note—Contn sheet.

2264

G R S. III-2]

General and Revenue Secretariat | File No 55 of 1921

Serial No.

DEWAN'S OFFICE.
Issued on JAN 6 1922
Reg. No. 316/66

NOTE —Contn sheet

G R S III-2,

General and Revenue Secretariat

File No. 55 of 19 22

Serial No

Letter No 4687 24 9.22 from the President City Mal C.I. Mysore stating that as the Basavanagudi Estate has since been developed the survey of the fee has ceased to exist Hence fee is wanted to the Dewan's orders in the Memorandum

DRS 5/10 Mal 24 (Rev. Secy)

DCS 7/10/22

35 What is the Amount Realized Annually on Bangalore by the levy in question? Ujico/22

DCS

36 Draft calling for the above is put up for approval

DRS 9/10/22 In the Budget the columns against Basavanagudi relating to Shivan Cabank

Mal

38 Issue

DCS 17/10/22

207 30 Mr Presd Bang Advt No L3097 dt 22 10 22

Requests him to furnish information as regards the amount realized annually by the levy of the fee in question

AM

Note—Contn sheet.

2186 41

G R S III 2]

General and Revenue Secretariat

File No 55 of 19 24

Serial No.

Letter No 261/R 28 10-22 from the President Mund Cl B'lore City stating that a sum of Rs 545 was realized during the year 1921 22

3/9 Submitted with regard to Rev Secretary's note on the previous page (para 24)

31/10 5/11/22 A sum of Rs 545 was realized during the year 21-22 - The opinion of the Govt Advocate is not in favour of the continuance of the levy of a fee for the export of areca nuts per cart under the above bye-laws - The point for orders is whether or not the levy of fees which is not authorised by the Mul Regn may be abolished or continued under the circumstances

31/10 41 Rev Secy

1/11/22

The Comptroller agrees & suggested that steps might be taken to regularize the levy of fees realised by the Bangalore City Municipality for the grant of passes for the removal

NOTE—Contn. sheet

2186 12

G. R. S III-2,

General and Revenue Secretariat

Jud File No. 55 of 1921

Serial No

of Grade deposited in the Bonded Warehouse of the Municipality the President of the Municipal Council was written to and he said that the levy was illegal. The Govt Advocate is also of the same opinion. The Amount realized from this source in 1921-22 in Bangalore Cy was only Rs 545

43 The levy may be ordered to be discontinued

No such fee is recovered now in Mysore City

Dewan

U/r 14/11/22

DEWAN'S OFFICE
RECD NOV 15 22
DIARY NO. 2826
with 3 linked files

The opinion of the G.A. in the connected file may be perused & returned to the Secy

U/r 16/11/22

Draft please

Secy 17/11/22

Draft as suggested for approval

EK Secy

Issue

Secy 21/11/22

NOTE—Contn sheet

7186 13

G. R. S. III-2

General and Revenue Secretariat.

ML File No. 55 of 1921

Serial No. 212

Mr Campbell Esq.
President, Bangalore Agl. Union
ML L 3800-5-B 25-8-22

Desire that the levy of fees of one anna on every free export pass in the Bangalore City Municipality in connection with [illegible] should be discontinued at once and requests the Board to take necessary steps to amend the Octroi by-laws of the Municipality in regard to the same

RECEIVED 1922 OCT 7 REVENUE DEPARTMENT

B

Form—Contn. sheet

G. R. S. III-2,

7186 13

General and Revenue Secretariat

ml File No. 55 of 1921

Serial No 212

The Comptroller N.W.F.
President, Bangalore Cy. Municipality
No L 3884-5-8 25-11-22

Desires that the levy of fees of one anna on every free export pass in the Bangalore City municipality is unauthorised and should be discontinued at once and requests the Board to take necessary steps to amend the octroi bye laws of the City municipality in respect of bye law No. 11

JUDICIAL SECRETARIAT
REVENUE
7 OCT 1921
CENTRAL RECORD BRANCH

Note—Contn. sheet

13745

14

L 1135
23 AUG 1921.
LOCAL SELF GT. T. BRANCH

Please address all future communications to the Comptroller to the Govt of H H the Maharaja of Mysore
In reply to this Comn please refer to
No 92-3/LAD
576

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Dated, Bangalore, the 16th August 1921

FROM

L. Bishtopanth Badami, Esq., B.A., F. 53-21-24
~~M N KRISHNA RAO, Esq, B A,~~
Comptroller to the Government of
His Highness the Maharaja of Mysore

Ex Secy
AUG 1921

To

B. Ramaswamayya, , Esq, B.A., B.L.,
Secretary to the Government of Mysore,
Revenue *Department*

SIR,

I have the honor to bring to the notice of Government that in accordance with the provisions contained in Rules 163 and 164 of the M. A. M. any person who has deposited goods in the Bonded Warehouse of the Municipality may export the same on obtaining an export pass on payment of one anna for every free export pass. But in the case of carts a fee of one anna is required to be charged for every cart as per proviso to article 164. But in the course of the local audit of the accounts of the Bangalore City Municipality, it is observed that the duty recovered is only one anna for every free export pass issued irrespective of the number of carts covered by the pass as per provisions in the bye-laws of the City Municipality Vide rule 16. As the rule is not clear on the point and as it affects the revenues of the Municipality, it is desirable that the bye-laws of the Bangalore City Municipality are suitably amended so as to conform to the rules in the M.A.M. and I request that you will be so good as to obtain the early orders of Government in the matter.

A copy of this communication has been forwarded to the President, Bangalore City Municipal Council also for information.

I have the honor to be,
Sir,
Your most obedient servant,

L. Bishtopanth Badami
Comptroller.

MSR/19-8

WD A 0610—GPB—5 000—10-8-17

C O 42-Rec —17]

Department

191

FROM

M N KRISHNA RAO, ESQ, B A,
Comptroller to the Govt of
H H the Maharaja of Mysor

To

Esq,
Secretary to the Govt of Mysore,
Dept

Dated

Despatched

Received

No

Subject matter

15

G. R. S VI—G/32]

SUBJECT .....

Diary No. of letter replied to 1135

General and Revenue Secretariat

(Rul)

the 191

Date of issue 26.9.21

Signed by Mr D.S. Subbaraya Rao

Section Rul

File No. 55-21

Serial No 31

No. L 1861 IF/IM

Encl

To

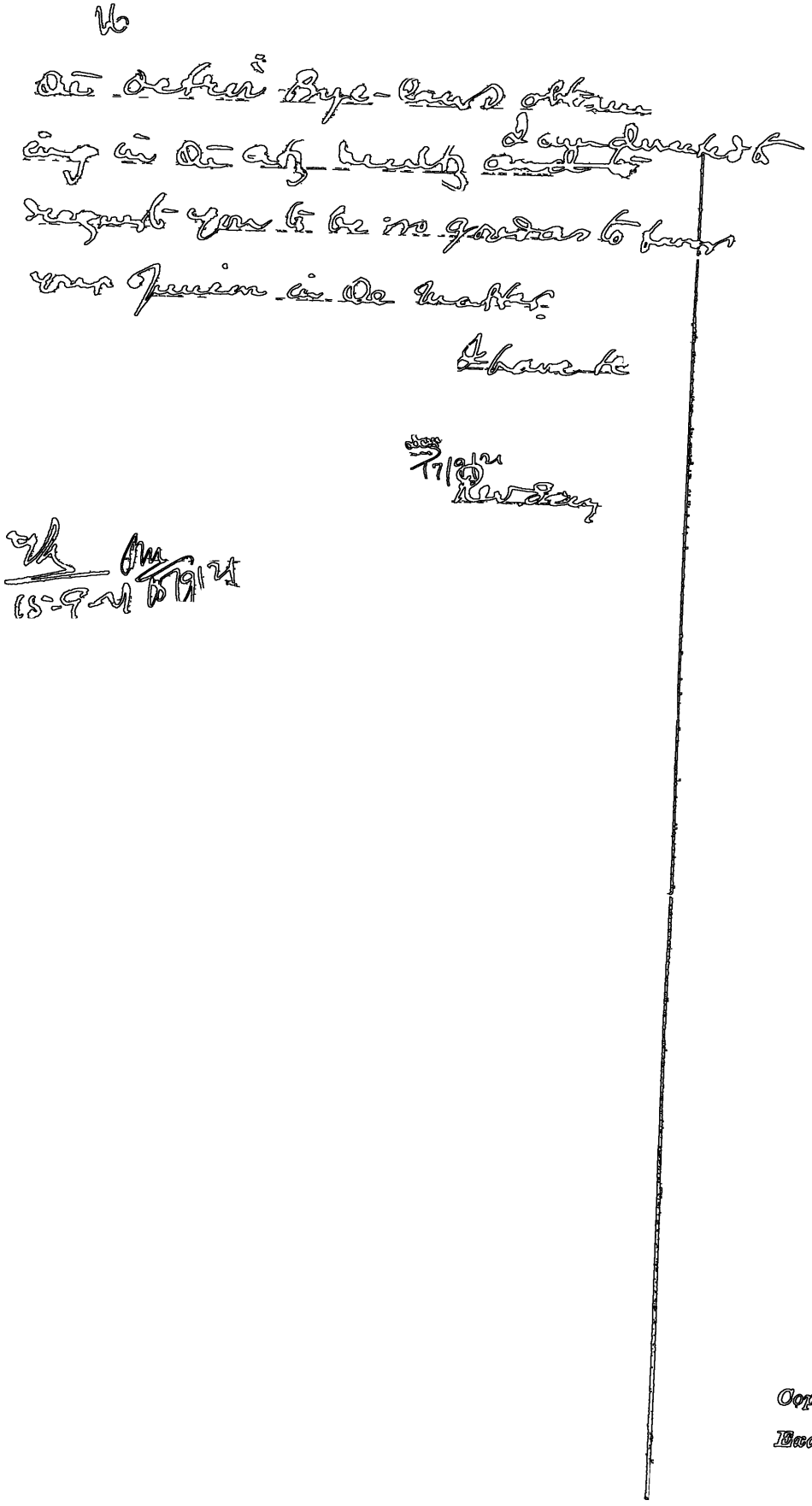
The President

Bangalore city Municipal Council.

Sir,

In forwarding herewith a copy of letter No 92-3/K.A.D 576 dt 16th August 1921 from the Chief Engineer bringing to notice certain differences in the rate for every export pass fee to be levied under Rules 163 and 164 of the Municipal Account Manual and the bye-laws of 16-7

over



List of enclosures.

Copied by

Examined by

No 71

OFFICE OF THE CITY MUNICIPAL COUNCIL, 17

Bangalore City, dated 14th October 1921. 19

OCT 1921
INDIAN SELF GOVT.
BRANCH

Mr 172

From

B K GARUDACHAR, ESQ,
President, Municipal Council,
BANGALORE CITY

Jul 55-21-40

To

D. Srinivasa Iyengar, Esq, B A,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore.

Sir,

Adverting to your letter No L 1861/11 55-21-31 dated 26-9-1921 bringing to the notice of Government certain differences noticed by the comptroller re the levy of the rate of fee of one anna for the export pass per cart under rules 163 and 164 of the M A M and the bye-law No.16 of the Octroi bye laws, I have the honor to invite your kind attention to my letter No 152 dated 15-1-1921 reporting for the information of Government the opinion of the Managing Committee and the Municipal Council that the levy of one anna on every free pass does not seem to be authorized by the provision of the Municipal Regulation but it has been imposed as per old and long standing practice as a contingent charge As the suggested amendment of the bye-law will not be consistent with the provisions of the Municipal Regulation it does not seem desirable to take up this question

E

I have the honor to be,
Sir,
Your most obedient servant

President.

D N R.

12721

1921 22

From The President City Municipal Council Bangalore

To The Secretary to Government

Dated 19-10-1921

Despatched

Received

GEN & REV. DEPT. 20 OCT 1921

General No 71

No

Enclosure No

Re the amendment of Byelaw as noted by the Comptroller viz the levy of fee of one annum for the Escort pass per cart under the rules 63 & 64 of the

J. R. S VI—G/321

ECT

No. of letter replied to 1611

Section Rent
File No 55 21
Serial No 207

Land Revenue Secretariat
( )
the 191

No L 3097

Date of issue 22/1/09

To The President of the C & B Town
Sirs,

Signed by

With reference to correspondence ending with your letter No 21 dt 19/10/21 re the levy of a fee of one anna for the export pass per cart under rules 163 & 164 of the M A M & bye-law No 16 of the Cantonment byelaws I am directed to request you to be so good as to furnish information as to the amount realized annually in Bangalore by the levy of the fee in question

The reply is required

Yours

DCS 17/1/09
Rec

EXHIBIT

List of enclosures.

Copied by

Examined by

No Genl. 61

OFFICE OF THE CITY MUNICIPAL COUNCIL, 4

Bangalore City, dated 27th October 1922.

L 2186
31 OCT 1922
BRANCH

From

ANANDA RAO SIRSI, ESQ. B A, LL B,
President Municipal Council,
BANGALORE CITY

Genl
1 OCT 1922
Seg

Ml 55-21—26

To

T E Jeyaram Iyer, Esq, B A., B.L,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Revenue Department, Bangalore

Sir,

With reference to your letter No.L.3097/Ml.55-21-207 dated 22-10-1922 re the levy of a fee of one anna for the export pass per cart under Octroi Bye-laws, I have the honor to state that a sum of Rs.545/- was realized during the year 1921-22 from July 1921 to end of June 1922.

I have the honor to be,
Sir,
Your most obedient servant,
B Rahimoo
Vice-President (in Charge)
for President

D N R.

From

To

Dated

Despatched

Received

General No

No.

Enclosure No.

GRS VI G 31]

SUBJECT

Diary No of letter replied to 2186

General and Revenue Secretariat

( )

the 192

Date of issue

Signed by

May this be

i Printed ?

ii treated as a standing order

iii published in the Gazette English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Section

File No

Serial No

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

[illegible] for every Cart
but the Accompanied with Rule
2 of the better Bye laws
the Bangalore City Municipality
the only reservation is only one
annas for every Free export
pass issued irrespective of the
No of carts covered by the pass
and requesting that as the
rule is not clear on the point
and as it affects the revenue
of the City Municipality with the
City Municipality which must
they amend the rule in that
behalf

2 Letter No. 7/8 the 18th Dec 1921 from the Secretary Bangalore City Municipal Council stating that in the opinion of the Municipal Council that the levy one anna on every free pass is not seem to be authorised by the provisions of the Municipal Act and that it has been since levied as per old and long existing practice as a revenue Charge and stating that the suggested amendment of the Bye-laws not be consistent with the terms of the Municipal Act

List of enclosures

Copied by

Examined by

WD 1933—GPB—1,000,00—21 12-21

G R S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form)

Regd. it does not seem to be desirable to take up this question.

2. The note No 78/11-R of the 3rd Jan 1922 from the Govt Advocate in reply opening under the circumstances explained that the Cooper Laws Reg 16 of the City Muty which imposes a fee of one anna per pass is ultra vires and cannot have any binding effect.

3. Correspondence ending with letter No. 261 of the 27th Oct 1922 from the President of the Bangalore City Town Council on the subject

order of

~~Govt are pleased to agree with the views expressed by the Govt Advocate in~~

2nd) After a careful consideration of the question, Govt have come to the conclusion that a Levy of a fee of one anna for every free Export pass under the Bye-laws of the Bombay Municipality is contemplated under the provisions of the Bombay Regulation and they are desirous that the said Levy of fee be discontinued at once.

2. The President is requested to take necessary steps to amend the certain Bye-laws of the City Municipality in respect of Bye laws 69 & 70 as above

Yours sincerely
Rear Admiral

To The Commissioner
President Municipality
Naval Council

Yk
2.11.22

GPE—20,000—16-2-14